

Planning Commission Minutes from November 12, 2014

ZT-6-2014

West Valley City

Amending Section 7-6-1605 of the City Center Zone

Staff is proposing an amendment to paragraph 2 of Section 7-6-1605 of the City Center (CC) Zone. This paragraph lists the prohibited uses in the Zone. The proposed amendment, which is attached to this report, expands the list of prohibited uses.

When the CC Zone was first adopted in 2006, it included ten purposes which are listed below:

1. Implement the goals set forth in the Fairbourne Station Vision within the General Plan.
2. Create a recognizable center or downtown for West Valley City.
3. Encourage and direct development that supports transit.
4. Encourage infill and redevelopment near the transit station by City Hall.
5. Create new opportunities for economic growth and redevelopment.
6. Reinforce the use of public transportation by locating higher-intensity development, including employment-oriented businesses and higher density residential uses, adjacent to transit stops.
7. Encourage mixed-use development to reduce automobile dependency and roadway congestion by combining trips and locating destinations within walking and biking distances – all interconnected with transit.
8. Enhance neighborhood identity by creating more choices such as walking, biking and shopping to residents that promote safety, friendliness and livability.
9. Provide a mix of housing types, costs and densities.
10. Promote architectural and site design treatments that enhance the visual appearance of development within the Zone.

The proposed amendment that expands the list of prohibited uses will further the purposes of the CC Zone specifically by encouraging development that supports transit, encouraging redevelopment and enhancing neighborhood identity. Each of the proposed additions to the prohibited use list falls into at least one of the following three categories:

Low Intensity Uses

Higher intensity uses have more people per square foot and support transit more effectively than lower intensity uses. Examples of low intensity uses include furniture stores and moving truck rental businesses.

Uses that Discourage Redevelopment

Since the adoption of the CC Zone, the City Center project (now known as Fairbourne Station) has been the highest priority project for the City. This is evidenced by the City's huge investment in staff time and capital for this project. To date the City has:

- Acquired nearly 60 properties – \$20 million

- Built new roads and the promenade park – \$11 million
- Facilitated mall renovation by assisting with demolition and infrastructure – \$10 million
- Secured funding for parking structure – \$16 million

To protect the City's investment and to further the City Center Zone purpose of promoting redevelopment, the City wants to discourage uses that would be incompatible with high quality uses like Class A office. Examples of uses that would be incompatible include bail bonds, blood plasma centers, laundromat and retail tobacco specialty store.

Uses that Already Exist Nearby

Fairbourne Station Vision that is adopted as part of the General Plan includes the goals of creating a mix of land uses, diverse shopping choices and a unique town center with a strong sense of place. Uses like supermarkets and movie theaters are already nearby and would not add to the diversity or uniqueness of the area.

The CC Zone area of 49 acres represents a small portion of the overall zoning that allows commercial uses. The following table lists the zones that allow some form of commercial use and the total acreage of each zone within the City. The zones listed in the table allow some or all of the proposed prohibited uses for the CC Zone. In other words, there are still opportunities for these uses to locate elsewhere in the City.

Zone	Total Acreage
Neighborhood Commercial (C-1)	43
General Commercial (C-2)	1,033
Transitional Commercial (C-3)	27
Business/Research Park (B/RP)	304
Mixed Use (MXD)	15
Manufacturing (M)	8,126

Staff Alternatives

1. Approval of the application to amend the City Center Zone.
2. Continuance for reasons determined during the public hearing.
3. Denial, the ordinance should remain unchanged.

Applicant:

West Valley City

Opposed:

Fred Cox

4466 Early Duke Street

Discussion: Steve Lehman presented the application. Terri Mills stated that a fitness center seems like a high intensity use and questioned why this would be restricted from the zone. Steve replied that something like this wouldn't contribute to the overall City Center Zone since it doesn't typically enhance transit and also because it takes up a lot of space for parking.

Fred Cox indicated that a tenant in this area has a 15 year lease and still has 5 years left. He stated that the use is auto related and can currently get a business license through a loophole but this ordinance will effectively remove that option. Mr. Cox indicated that the tenant would like to put in landscape, improve the site, and generate sales tax but with this approval it will remain vacant and unused for 5 years. He stated that the applicant has had 10 years to open but hasn't made the decision to operate until recently. Phil Conder asked if there are conditional uses in the 'CC' zone. Mr. Cox replied that there are but the building must be over 100,000 square feet.

Barbara Thomas stated that it is difficult to think of all the potential negative businesses that could operate in a downtown area. She indicated that the City is trying to create a specific image and develop a more urban downtown for West Valley City. Jack Matheson asked if non-conforming businesses will still be allowed. Steve replied yes and added that for a non-conforming business to continue it must be operational continuously. If one year passes and the use hasn't continued, it becomes void. Phil Conder stated that he isn't sure if he feels good about this list but does understand what the City is trying to do. Clover Meaders agreed and stated that it may be a good idea to study the list a little more extensively. Jack Matheson stated that automotive uses were not allowed in 2006 but if the tenant had been operating at that time he could have continued his business as a non-conforming use. Harold asked if the north side of 3500 S has always been part of the City Center Zone. Steve replied yes. Terri Mills stated that she still likes the idea of allowing a fitness center and added that it may be beneficial to have a permitted use list included in the CC zone. Harold Woodruff agreed but added that a fitness center may need a lot of parking. Commissioner Mills replied that transit is being encouraged in the area. Brent Fuller added that a parking garage was recently approved.

Motion: Commissioner Fuller moved for continuance.

Commissioner Meaders seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Thomas	No
Commissioner Woodruff	Yes
Chairman Conder	Yes

Majority-ZT-6-2014- Continued